

Amendment and Response

Applicant: Mark Haines et al.

Serial No.: 10/635,409

Filed: August 6, 2003

Docket No.: 200210234-1

Title: FILTER FOR PRINthead ASSEMBLY**REMARKS**

The following Remarks are made in response to the Non-Final Office Action mailed May 2, 2006, in which claims 33-35 and 37-40 were withdrawn from consideration as being directed to a non-elected invention, claims 5 and 29 were allowed, and claims 1-3, 6-12, 25-27, and 30-32 were rejected.

With this Amendment, claims 11, 33-35, and 37-40 have been cancelled without prejudice, claims 41-48 have been added, and claims 1, 6, 25, and 30 have been amended to clarify Applicant's invention.

Claims 1-3, 5-10, 12, 25-27, 29-32, and 41-48, therefore, remain pending in the application and are presented for reconsideration and allowance.

Claim Rejections under 35 U.S.C. § 102

Claims 1-3, 6-12, 25-27 and 30-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Arashima et al. US Patent No. 5,481,289.

With this Amendment, independent claim 1 has been amended to clarify that the filter includes a frame having a first face and a second face opposite the first face, an opening communicated with the first face and the second face, and a fluid passage communicated with the opening; filter material provided on each the first face and the second face of the frame and enclosing the opening and the fluid passage of the frame; a first fluid port communicated with the fluid passage of the frame; a permeable material provided in a fluid path of the first fluid port; and a second fluid port spaced from the first fluid port and communicated with the fluid passage of the frame. In addition, independent claim 25 has been amended to clarify that the filter includes a frame having a first face and a second face opposite the first face, an opening communicated with the first face and the second face, and a fluid passage communicated with the opening, filter material provided on each the first face and the second face of the frame and enclosing the opening and the fluid passage of the frame, first and second fluid ports communicated with the fluid passage, and a permeable material provided in a fluid path of the first fluid port.

With respect to the Arashima et al. patent, Applicant submits this patent does not teach or suggest a filter for a printhead assembly as claimed in independent claim 1, nor a printhead assembly as claimed in independent claim 25. For example, the Arashima et al.

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patent discloses an ink supply mechanism which supplies ink from an ink container (19) for storing ink to an ink jet recording unit which discharges ink wherein the ink supply mechanism comprises a first filter member (70) provided in an ink outlet section or ink leading-out port (94) of the ink container (19); an ink supply passage or tube (52) which conductively connects the ink jet recording unit and the ink container (19) for supplying ink from the ink container (19) to the ink jet recording unit; and a second filter member (63) provided in the ink supply passage (52) between ink discharging ports (30) of the recording unit and the first filter member (70) (see Fig. 7; Abstract; col. 10, lines 55-61).

As such, the first filter member (70) of the Arashima et al. patent is provided in the ink outlet section or ink leading-out port (94) of the ink container and the second filter member (63) of the Arashima et al. patent is provided in the ink supply passage or tube (52) (see Fig. 7; col. 10, lines 55-61). The first and second filter members (63 and 70) of the Arashima et al. patent, however, are not provided on opposite faces of a frame of the ink supply mechanism, and do not enclose an opening and a fluid passage of the frame.

Applicant, therefore, submits that the first filter member (70) and the second filter member (63) of the Arashima et al. patent do not constitute filter material provided on opposite first and second faces of a frame and enclosing an opening and a fluid passage of the frame, as claimed in independent claims 1 and 25.

In view of the above, Applicant submits that independent claims 1 and 25 are each patentably distinct from the Arashima et al. patent and, therefore, are each in a condition for allowance. Furthermore, as dependent claims 2-3, 6-10, 12, and 41-44 further define patentably distinct claim 1, and dependent claims 26-27, 30-32, and 45-48 further define patentably distinct claim 25, Applicant submits that these dependent claims are also in a condition for allowance. Applicant, therefore, respectfully requests that the rejection of claims 1-3, 6-12, 25-27 and 30-32 under 35 U.S.C. 102(b) be reconsidered and withdrawn, and that claims 1-3, 6-10, 12, 25-27, 30-32, and 41-48 be allowed.

Double Patenting

Claims 1, 2, 7-9, 11, and 12 are provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-5 of copending US Patent Application No. 10/635,636.

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Concurrently with this Amendment, a terminal disclaimer in compliance with 37 CFR 1.321(c) has been filed to overcome the non-statutory double patenting rejection based on Application Serial No. 10/635, 636. Applicant submits that the filing of this terminal disclaimer is to obviate the rejection based on non-statutory double patenting and is not an admission of the propriety of the rejection.

In view of the above, Applicant submits that the non-statutory double patenting rejection of claims 1, 2, 7-9, 11, and 12 has been overcome. Applicant, therefore, respectfully requests that the rejection of claims 1, 2, 7-9, 11, and 12 under the judicially created doctrine of obviousness-type double patenting be reconsidered and withdrawn, and that claims 1, 2, 7-9, 11, and 12 be allowed.

Allowable Subject Matter

Claims 5 and 29 are allowed. Applicant appreciates the indicated allowance of these claims.

Applicant agrees with the Examiner's conclusions regarding patentability without necessarily agreeing with or acquiescing in the Examiner's reasoning. In particular, Applicant submits that the above-identified claims are allowable because the prior art fails to teach, anticipate or render obvious the invention as claimed, independent of how the invention is paraphrased.

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CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1-3, 5-10, 12, 25-27, 29-32, and 41-48 are all in a condition for allowance and requests reconsideration of the application and allowance of all pending claims.

Any inquiry regarding this Amendment and Response should be directed to either Thomas A. Jolly at Telephone No. (541) 715-7331, Facsimile No. (541) 715-8581 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300 on this 20th day of July, 2006.

By 

Name: Scott A. Lund